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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RESPONSE

APPLICANT: Wyatt

ATTY. DOCKET NO.: MCO-P-00-002

SERIAL NO.: 09/544,510

GROUP ART UNIT: 2172

FILING DATE: Apr. 6, 2000

EXAMINER: Ly

TITLE: "A METHOD AND SYSTEM FOR CREATING A WEBSITE FOR A
HEALTHCARE PROVIDER"

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OCT 31 2003

Technology Center 2100

SIR:

This Response is submitted in response to the Office Action dated July 8, 2003. In the Office Action, the Patent Office rejected Claims 1, 2, 5, 7, 15 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,148,298 to *LaStrange et al.* The Patent Office also rejected Claims 3, 4, 6, 8-14, 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over *LaStrange et al.* in view of U.S. Patent No. 6,195,651 to *Handel et al.*

By the present Response, Applicant respectfully submits that the rejections are improper for the reasons that follow, and the application is in condition for allowance. Notice to that effect is requested.

In the Office Action, the Patent Office rejected Claims 1, 2, 5, 7, 15 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,148,298 to *LaStrange et al.* The Patent Office alleged:

"With respect to claim 1, *LaStrange* discloses providing a remote server having a database (see fig. 1, items 101A-101C are database server over the network 116 to provide requested data and services to users: col. 2, lines 42-45); accessing the remote server via a first remote computer on a computer network (col. 2, lines 46-52, workstation of users, item 111 in fig. 1); creating a website having a first web page by the remote computer on the remote server wherein the website relates to a healthcare provider providing services (creating web page for the web server that host as a web site for the healthcare provider in response to queries communicated through network: col. 3, lines 5-16); assigning pre-defined attributes to the website that uniquely identify the website (locations and office hours are attribute of a healthcare provider stored in the target databases or local databases: col. 7, lines 1-16); and linking the website to the database wherein the database is searchable via a search engine wherein the search engine searches the database for specific attributes (search module for healthcare provider to request information over the network: col. 4, lines 1-10 and col. 6, lines 36-49)."

However, independent Claims 1 and 15 require a remote server having a database. The remote server is accessed via a first remote computer on a computer network. A website having a first web page is created by the remote computer on the remote server. The website is linked to the database. Thus, the website and the database are located on the same server. In contrast, *LaStrange et al.* teach linking of two or more servers. More specifically, in column 3, lines 6-8, *LaStrange et al.* teach that "each server 101A-101C implements an insurance carrier's product web server that hosts a website...". Nowhere do *LaStrange et al.* even remotely teach or suggest accessing a server to create a website and linking the website to a database on the same server. Thus, in *LaStrange*

et al. a first server must be accessed to access a website hosted by a second server. In the present invention, a website may be created on a server, and that website may be linked to a database on the server wherein the database is searchable via a search engine wherein the search engine searches the database for specific attributes.

It is submitted that the question under §103 is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. In re Simon, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most if not all elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teaching of the reference in its entirety, would have been obvious to one of ordinary skill in the art at the time the invention was made. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

It is insufficient that the art disclosed components of Applicant's invention, either separately or used in other combinations. A teaching, suggestion, or incentive must exist to make the combination made by Applicant. Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

With the analysis of the deficiencies of *LaStrange et al.* in mind, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to modify *LaStrange et al.* in the manner suggested by the Patent Office in formulating the rejection under 35 U.S.C. §103. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103.

The Patent Office also rejected Claims 3, 4, 6, 8-14, 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over *LaStrange et al.* in view of U.S. Patent No. 6,195,651 to *Handel et al.*

According to the Patent Office, "*Handel et al.* disclose button linking to web page and recall."

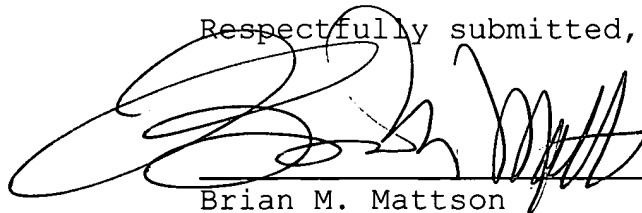
However, neither *LaStrange et al.* nor *Handel et al.*, taken singly or in combination, teach or suggest a method and system for accessing of a server to create a website related to a healthcare provider wherein the website is linked to a database on the same server, as defined in independent Claims 1 and 15. As stated previously, *LaStrange et al.* teach the use of two or more servers. Moreover, *Handel et al.* merely disclose button linking to a web page and recall. Accordingly, Applicant asserts that the Patent Office has failed to establish a *prima facie* case of obviousness. Namely, no teaching, no suggestion and no motivation exists for one having ordinary skill in the art at the time of Applicant's invention to combine *LaStrange et al.* with *Handel et al.* to achieve

Applicant's invention as defined in Claims 3, 4, 6, 8-14, 16 and 17. Accordingly, Applicant respectfully submits that the rejection of Claims 3, 4, 6, 8-14, 16 and 17 under 35 U.S.C. §103(a) is overcome and should be withdrawn. Notice to that effect is requested.

Claims 2-14 depend from Claim 1; and Claims 16-21 depend from Claim 15. These claims are further believed allowable over the references of record for the same reasons set forth with respect to their parent claims since each sets forth additional steps and elements of Applicant's method and system, respectively.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is in condition for allowance. If, however, any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,



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